

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Stanley Earl Winston, #39779-019,)
)
Plaintiff,)
)
vs.)
)
Dr. Charlene Grice; Medical University;)
President of the Medical University; Dean)
of the Arts and Sciences Dept.; Chairman)
of the Biology Dept.; and CEO of the)
Medical Division at the Medical University)
of South Carolina at Charleston;)
)
Defendants.)
_____)

C.A. No. 3:06-3567-TLW-JRM

ORDER

The Plaintiff brought this *pro se* civil action against the Defendants under 42 U.S.C. § 1983, based on events occurring during his November 21, 2006 visit to the Medical University of South Carolina's Storm Eye Institute. Plaintiff was, on that date, and is currently, an inmate at Estill Federal Correctional Institution.

On July 6, 2007, Dr. Charlene Grice moved for summary judgment. On November 9, 2007, United States Magistrate Judge Joseph R. McCrorey, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.), filed a Report and Recommendation.¹ In this November 9 Report, Magistrate Judge McCrorey recommends that Dr. Grice's summary judgment motion be granted. On December 3, 2007,

¹Magistrate Judge McCrorey had also filed a Report and Recommendation on March 6, 2007, in which he recommended that the complaint be dismissed as to all Defendants except Dr. Charlene Grice. The remaining Defendants were never served with a summons in this case. The Plaintiff did not object to this Magistrate Report, and this case proceeded as between Dr. Charlene Grice and the Plaintiff.

Plaintiff filed objections to the Magistrate's November 9 Report.

This Court is charged with reviewing the Magistrate's report and the Plaintiff's objections thereto. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of this standard, the Court has carefully reviewed the Magistrate Judge's March 6, 2007 Report and Recommendation, and has concluded that it accurately summarizes this case and the applicable law. All the named Defendants other than Dr. Charlene Grice are therefore dismissed from this action without service of process. The Court has carefully reviewed, de novo, the Magistrate Judge's November 9, 2007 Report and Recommendation and the objections thereto, and has concluded that it accurately summarizes this case and the applicable law.

For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's March 6, 2007 Report and Recommendation is **ACCEPTED** (Doc. # 11); the Magistrate Judge's November 9, 2007 Report and Recommendation is **ACCEPTED** (Doc. # 47); Plaintiff's Motion to Dismiss is **OVERRULED** (Doc. # 45); and Plaintiff's objections are **OVERRULED** (Doc. # 50). The Plaintiff's complaint is dismissed as to all the Defendants.

IT IS SO ORDERED.

S/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

January 23, 2008
Florence, South Carolina